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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177463
Party	Plaintiff Promgirl, Inc.
Correspondence Address	Susan Okin Goldsmith Duane Morris LLP 744 Broad Street, Suite 1200 Newark, NJ 07102 UNITED STATES SOGoldsmith@duanemorris.com
Submission	Motion to Suspend for Settlement Discussions
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Date	07/13/2009
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 78/875,952  
Filed: May 3, 2006  
For the mark: PROMGIRL (Stylized and Design)

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PROMGIRL, INC.

Opposer,

v.

PROMGIRL, LLC

Applicant.

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Opposition No. 91177463

**MOTION TO REOPEN TIME**

Proceedings in this case were suspended until June 14, 2009 for settlement negotiations and proceedings were set to resume to the extent that Promgirl, Inc. ("Opposer") is allowed until July 15, 2009 to show cause why Opposition No. 91177463 should not be dismissed for failure to prosecute.

Settlement discussions are continuing, and Opposer has received consent from Applicant to suspend an additional thirty (30) days, to August 15, 2009. This request is not made for the purposes of delay, but for good cause. A telephone conference with the parties and their counsel is planned for the later part of July 2009, with dates being discussed as of the date hereof.

In addition, pursuant to TBMP §509.01(b), and Fed. R. Civ. P. 6(b), Opposer respectfully requests the reopening of discovery related to Opposition No. 91177463 and the re-setting of all dates.

This case is one of three involving the same parties and the same mark. The other cases are pending under Opposition Nos. 91181566 and 91181734. Both of those cases were suspended, but more recently the Applicant received Notices of Default in those other cases for failure to submit Answers. In this case, an Answer had been filed, but Opposer had a good faith belief that the relevant dates for discovery and testimony in Opposition No. 91177463 were tolled, just as the corresponding dates in Oppositions Nos. 91181566 and 91181734 were tolled. The parties now agree that the three cases should be suspended again for another attempt at settlement. If the cases cannot be settled, they should all be in close to the same procedural posture. It was only in this case that an Answer was filed.

Applying TBMP §509.01(b), and Fed. R. Civ. P. 6(b): (1) there is no danger of prejudice to the nonmovant, who has consented to this motion suspending the case and requesting the re-setting of all dates; (2) the length of delay and its impact on judicial proceedings is non-existent as all three related cases will be put in a similar posture and settlement negotiations are on-going; (3) the reason for delay was excusable; and (4) the movant has acted in good faith at all times.

Opposer has a good faith reason for this neglect. The parties have mutually agreed to a further suspension of all three cases in light of continued settlement negotiations. To date, there has been no discovery taken in any of these three related cases. There is no prejudice to the nonmovant, who has consented to this motion to suspend and to re-set all dates.

WHEREFORE, Opposer respectfully requests the Board suspend the Opposition until August 15, 2009, and that that it also issue an order re-opening time and re-setting all dates for discovery and testimony in this case.

Respectfully submitted,  
DUANE MORRIS LLP

Dated: July 13, 2009

By: /Susan Goldsmith/  
Susan Okin Goldsmith

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**CERTIFICATE OF ELECTRONIC FILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD, VIA ESTTA, ON THE DATE INDICATED BELOW.

By:  Date: July 13, 2009

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. §2.119(a)**


I hereby certify that on July 13, 2009 the following documents are being deposited with the United States Postal Service, with sufficient postage as first class mail in an envelope addressed to Applicant's counsel at:

Sherry H. Flax  
Saul Ewing LLP  
Lockwood Place, 500 East Pratt Street, Suite 900  
Baltimore, MD 21202-3171

A courtesy copy of the document is being sent to Applicant's counsel via e-mail to the following address:  
[sflax@saul.com](mailto:sflax@saul.com)

Documents: REGISTRANT'S MOTION TO SUSPEND AND RE-OPEN TIME

On: July 13, 2009  
(Date)

By:   
(Signature)